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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,691	01/14/2004	Thomas Wegman	RTZ204T4	4078

7590 06/22/2006  
HORST KASPER  
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WARREN, NJ 07059

EXAMINER

WILKENS, JANET MARIE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/757,691

Applicant(s)

WEGMAN, THOMAS

Examiner

Janet M. Wilkens

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Please note that Tiara Robertson is no longer the examiner in this application. All future communications should be directed to the undersigned.**

### ***Drawings***

The drawings are objected to because Fig. 5 is not viewable. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The disclosure is objected to because of the following informalities: The changes to the specification submitted April 25, 2006 have not been entered because they do not comply with rule 37 CFR 1.121. Therefore, the "italicized" rejection still stands. Furthermore, it should be noted that throughout the specification, the italicized paragraphs and respective immediately following paragraphs are similarly worded. (It appears that one is a correction of the other. For example, see on page 6, paragraphs two and three and paragraph 4 and the beginning of paragraph five.) Also on page 6, line 5, and page 7, line 4, the undercut zone is numeral 7, not 4 and on page 6, lines 10-11, numeral 6 is the undercut zone and numeral 5 is the element. Please note that the specification has not been checked for all possible errors; therefore, applicant is encouraged to modify appropriate portions thereof as necessary. Appropriate correction is required.

***Claim Objections***

Claims 5, 11, 15 and 19 are objected to because of the following informalities: for claims 5 and 19 "shindle" should be "shingle" and in claims 11 and 15, the period in line 2 and 8, respectively, should be deleted. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 3-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 1, stating that the element "exhibits" a female mold "like" undercut zone and that the shoulders include male mold "like" undercut zones is confusing. It is unclear what exactly is being claimed in both cases. For claims 5 and 19, the limitations concerning the mating of the male and female zones are worded in an unclear manner (last paragraph of claim after "wherein"). For example, are plural shingles being claimed in this section? (Only one is claimed in the preambles of the claims.) For claim 7, stating that the element "exhibits" a female mold "like" undercut zone is confusing. For claim 18, stating that the element is formed "like" a projection is indefinite. It either is a projection or isn't. For claim 19, it is improper/confusing to have the phrase "essentially consisting of" in a claim. The use of "consisting of" is closed ended, meaning the limitations following this phrase are the features of the structure. The term "essentially" implies that the limitations following there after may not be the total/complete structure. Note: Modification could either be the use of "essentially comprising" or simply "consisting of". As the claim stands, the structural limitations are being treated as open ended. Also for claim 19, it is indefinite to state that something is wall facing, since no wall has been claimed.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-14, 16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer (1,911,141). As best understood, Fischer teaches a roof shingle (Fig. 1; for any type of building) comprising: a shingle neck (2) and shingle body (1) with a raised engagement and guide element having a “female mold like undercut zone” (3, lower portion of shingle, inner part being female zone) and shoulders having correspondingly dimensioned “male mold like undercut zones” (4; upper portions of 1). The male zones on the shoulders are half the length of the female zone and fit there within. The element is disposed between vertical parallel sides edges of the body. Furthermore, the angles of the female and male zones are the same (approximately 90 degrees).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer. As stated above, Fischer teaches the limitations of claims 5 and 14, including parallel edges on the body and neck. For claim 15, Fischer fails to teach that the neck sides are shorter than the body sides. The examiner takes Official notice that shingles having longer bodies than necks are well known in the art. Therefore, it would have been an obvious design consideration to one of ordinary skill in the art at the time of the invention to modify the shingles of Fischer by using shingles with longer bodies, so that fewer total shingles would be needed to cover the roof, saving time and costs.

#### ***Allowable Subject Matter***

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

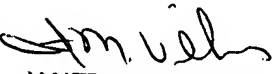
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wilkins.  
June 20, 2006

  
JANET M. WILKENS  
PRIMARY EXAMINER  
1740 53637